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rounder+ on+GSA+Cooperation+with+House+Oversight+on+

ends you.

s email.

From: Rob Borden - AC <robert.borden@gsa.gov >
CC: Daniel Mathews - P <daniel.mathews@gsa.gov >
Subject: Re: EPW Committee Hearing Concept
Date: Thu, 16 Jul 2020 15:43:53 -0400
Message-ID: <CAE4i-7bErkd9Zu==0U6Rq32cBS7GheXDd_RvOnUa- H=0VAzjrQ@mail.gmail.com >

(b) (5)

Robert Borden

On Thu, Jul 16, 2020 at 2:17 PM Daniel Mathews - P <daniel.mathews@gsa.gov> wrote:

(b) (5)

----- Forwarded message -----

From: Clifford Pearson - S <clifford.pearson@gsa.gov>

Date: Thu, Jul 16, 2020 at 2:14 PM

Subject: Re: EPW Committee Hearing Concept

To: Daniel Mathews - P <daniel.mathews@gsa.gov>, Allison Azevedo - PD <allison.azevedo@gsa.gov>, Richard Barnett - PS <rick.barnett@gsa.gov>, Brett Wallen - PS <brett.wallén@gsa.gov>, David Frye - PB <david.frye@gsa.gov>, Stuart Burns - PT <johns.burns@gsa.gov>, Page Doane - PT <page.doane@gsa.gov>, Charles Hardy - PCAF <charles.hardy@gsa.gov>, Chris Stottmann - P <chris.stottmann@gsa.gov>
CC: Andrew Blaylock - S <andrew.blaylock@gsa.gov>, Jeff Post - S <jeffrey.post@gsa.gov>, Rebecca Pselos - S <rebecca.pselos@gsa.gov>

EPW has confirmed a hearing is taking place on July 29th entitled: *“Lessons Learned from Remote Working during COVID-19: Can the Government Save Money Through Reducing Leased Space While Maintaining Productivity and Morale?”*

Although Jeff and the A suite have determined this hearing would not be workable at this time we did want to provide some examples to the committee showing how GSA is optimizing its footprint amidst the pandemic.

To that effect OSC indicated the last external briefing Dan provided regarding COVID, leased space and teleworking was with [America's Commercial Real Estate Exchange](#) on April 10th.

Could [REDACTED] either the transcript or notes from that interview as well as some highlights explaining how the TWF (Total Workplace FIT) program is helping us reach these goals by 3 PM tomorrow - it would be much appreciated.

Happy to discuss more. Thank you.

--

Clifford D. Pearson
US General Services Administration
Office of Congressional and Intergovernmental Affairs
[1800 F St. NW, Washington DC 20405](#)
Email: clifford.pearson@gsa.gov
Phone: 202.769.8070

On Fri, Jul 10, 2020 at 8:15 PM Daniel Mathews - P <daniel.mathews@gsa.gov> wrote:

[REDACTED]

On Fri, Jul 10, 2020 at 5:01 PM Richard Barnett - PS <rick.barnett@gsa.gov> wrote:

[REDACTED]


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Thu, Jul 9, 2020 at 4:16 PM Clifford Pearson - S <clifford.pearson@gsa.gov> wrote:
Thanks Dan,



 --

 Clifford D. Pearson

 US General Services Administration

 Office of Congressional and Intergovernmental Affairs

[1800 F St. NW, Washington DC 20405](#)

 Email: clifford.pearson@gsa.gov

 Phone: 202.769.8070

On Thu, Jul 9, 2020 at 3:27 PM Daniel Mathews - P <daniel.mathews@gsa.gov> wrote:

 Adding Rick

On Thu, Jul 9, 2020 at 3:27 PM Daniel Mathews - P <daniel.mathews@gsa.gov> wrote:





On Thu, Jul 9, 2020 at 2:38 PM Clifford Pearson - S <clifford.pearson@gsa.gov> wrote:

 Dear PBS,

The Senate EPW is floating some ideas for a potential hearing and we would like to get your opinion on it before responding back. The concept, described above in greater detail, would focus on decreased space requirements as a result of the COVID-19 pandemic.

Please let us know your initial thoughts or concerns by 1 pm tomorrow, 7/10 to make sure we can meet their deadline.

Thank you in advance!

 --

Clifford D. Pearson

 US General Services Administration


 Office of Congressional and Intergovernmental Affairs

[1800 F St. NW, Washington DC 20405](#)

 Email: clifford.pearson@gsa.gov

 Phone: 202.769.8070

----- Forwarded message -----

From: **Olsen, Elizabeth (EPW)** < >

 Date: Thu, Jul 9, 2020 at 12:48 PM

 Subject: EPW Committee Hearing Concept

 To: Clifford Pearson - S <clifford.pearson@gsa.gov>, Andrew Blaylock - S <andrew.blaylock@gsa.gov>

Hi all,

The Senate EPW Committee is looking at potential hearing to discuss the concept that COVID has really brought to light, the amount of work that can be done by employees from home. We are looking at whether examples from the private sector dramatically decreasing their square footage footprint could also be applied to the federal government, while also saving tax payer money on rented space and/or built space.

I was wondering what GSA thought of this concept? Also, I was wondering if you had any statistics of the amount of square footage that GSA has decreased during this administration? Or more importantly, examples of where GSA has considered this “work from home” model to decrease their rented square footage in recent years.

Any information would be helpful. We would need to know your general feedback on the concept by tomorrow by 2:00PM. The actual research material or examples/stats can take more time if needed.

Best,

Elizabeth “Lizzy” Olsen

Majority Counsel

Senate Committee on Environment and Public Works

O: (202) 224-6176

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Daniel W. Mathews
Commissioner
Public Buildings Service
General Services Administration
202-501-1100

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Daniel W. Mathews
Commissioner
Public Buildings Service
General Services Administration
202-501-1100

--

Rick Barnett

Senior Policy Advisor



Public Buildings Service

U.S. General Services Administration

phone: 202.320.7229 | email: rick.barnett@gsa.gov

--
Daniel W. Mathews
Commissioner
Public Buildings Service
General Services Administration
202-501-1100

--
Daniel W. Mathews
Commissioner
Public Buildings Service
General Services Administration
202-501-1100

From: "French, Sam (EPW)" <(b) (6)>
To: 'Kevin Ortiz - S' <kevin.ortiz@gsa.gov>
Subject: RE: EPW Oversight Request - FBI Headquarters and Old Post Office Lease
Date: Thursday, June 13, 2019, 3:59 PM
Message-ID: <fa208a29@A-ESS-SEN-EX22.senate.ussenate.us>

Great, thank you Kevin. Let me know.

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Sent: Thursday, June 13, 2019 3:59 PM
To: French, Sam (EPW) <(b) (6)>
Subject: Re: EPW Oversight Request - FBI Headquarters and Old Post Office Lease

Ok. I've contacted our IT folks to see if they know what's happening. Will be in touch ASAP.

Sent from my iPhone
On Jun 13, 2019, at 3:52 PM, French, Sam (EPW) <(b) (6)> wrote:

Yes. Same error message for both folders and flash drives.

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Sent: Thursday, June 13, 2019 3:52 PM
To: French, Sam (EPW) <(b) (6)>
Subject: Re: EPW Oversight Request - FBI Headquarters and Old Post Office Lease

Is it the same problem with both flash drives?

Sent from my iPhone
On Jun 13, 2019, at 3:43 PM, French, Sam (EPW) <(b) (6)> wrote:

Thanks Kevin,

I tried unzipping and extracting the files, and I received error message 0x80004005, and could not open the file, nor received a prompt from the folders. Is there another method to open these files?

-Sam

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Sent: Thursday, June 13, 2019 3:38 PM
To: French, Sam (EPW) <(b) (6)>
Subject: Re: EPW Oversight Request - FBI Headquarters and Old Post Office Lease

Hi Sam -

We recently moved to a new system for password protecting files, so this may be what is causing the issue. Is there an option to unzip the files and extract them? Try doing that and then putting in the password. If that does not work, please let me know.

Best,

Kevin

Sent from my iPhone

On Jun 13, 2019, at 3:16 PM, French, Sam (EPW) [REDACTED] > wrote:

Hi Kevin,

We just received the flash drives. Where do we put the password for the folders? I can see the folder, but an error message pops up and I do not see a prompt for the password. It's very possible that I am missing the prompt but I haven't been able to make any headway in opening the files. Thanks for your help.

Sam

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>

Sent: Thursday, June 13, 2019 2:06 PM

To: Russell, Richard (EPW) [REDACTED] >; Olsen, Elizabeth (EPW) <[REDACTED]>; French, Sam (EPW) [REDACTED] >; Repko, Mary Frances (EPW) [REDACTED] >; Martin, Kenneth (EPW) <[REDACTED]>

Subject: EPW Oversight Request - FBI Headquarters and Old Post Office Lease

Good afternoon -

Please find attached two letters from GSA Associate Administrator Post in response to the June 7, 2019 email from senior EPW Majority staff, requesting GSA's productions to the House Oversight and Reform Committee and the House Transportation and Infrastructure Committee regarding issues within EPW's jurisdiction. This request was made on behalf of Committee Chairman John Barrasso.

GSA will deliver two sets of password protected flash drives today containing responsive documents on the Federal Bureau of Investigation's headquarters project and the Old Post Office lease. The password for both sets of flash drives is: [REDACTED]

As GSA makes additional productions to the identified House committees on these issues, we will make those available to EPW as well.

Best,

--

<image001.jpg>

U.S. General Services Administration

Kevin Ortiz

Congressional Policy Analyst

Office of Congressional and Intergovernmental Affairs

kevin.ortiz@gsa.gov

[REDACTED] (mobile)

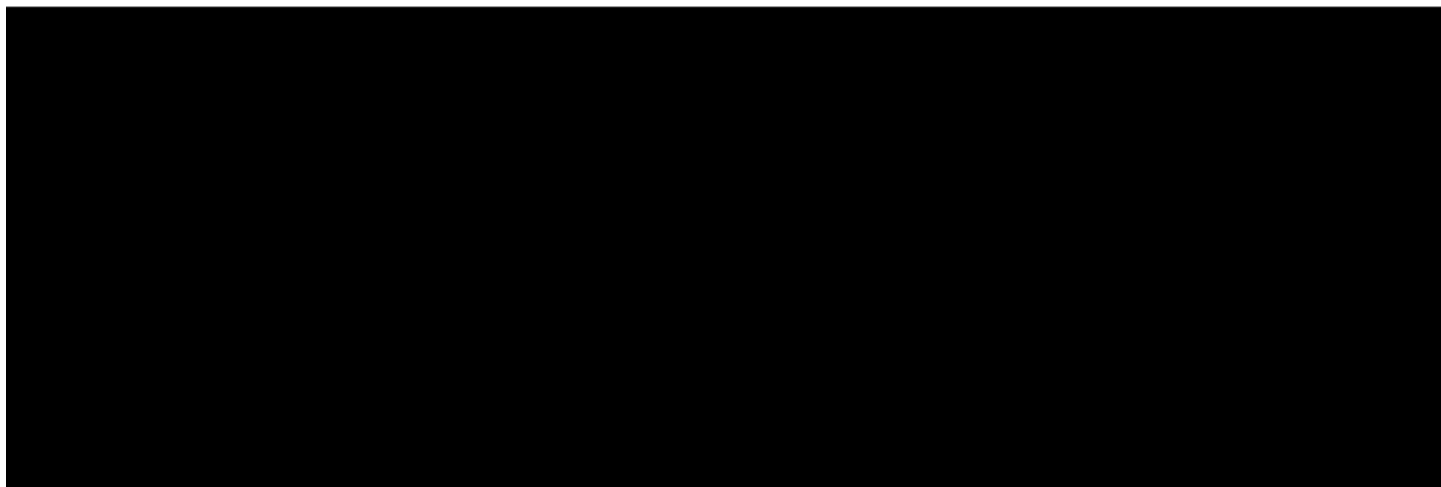
From: Tyler Menzler - S <tyler.menzler@gsa.gov >
To: Jeff Post - S <jeffrey.post@gsa.gov >
CC: Andrew Blaylock - S <andrew.blaylock@gsa.gov >, Kevin Ortiz - S <kevin.ortiz@gsa.gov >
Subject: Re: Briefing on Old Post Office Building Lease
Date: Tue, 10 Sep 2019 13:18:40 -0400
Message-ID: <CAKwhET7zj-C8u7SNx12m6JgAFSPzR=fBNATexZR_rcRJ_samHg@mail.gmail.com >



U.S. General Services Administration

Tyler R. Menzler
Congressional Policy Analyst
Office of Congressional and Intergovernmental Affairs
tyler.menzler@gsa.gov
202-674-9450

On Tue, Sep 10, 2019 at 1:10 PM Tyler Menzler - S <tyler.menzler@gsa.gov> wrote:



Tyler R. Menzler
Congressional Policy Analyst
Office of Congressional and Intergovernmental Affairs
tyler.menzler@gsa.gov
202-674-9450

On Mon, Sep 9, 2019 at 1:37 PM Tyler Menzler - S <tyler.menzler@gsa.gov> wrote:
I am free after this 2pm briefing.

Sent from my iPhone

On Sep 9, 2019, at 12:22 PM, Jeff Post - S <jeffrey.post@gsa.gov> wrote:

Dropping it to OCIA. Let's draft some answers to the bullets. Tyler let me know how your workload is. I might be able to take some stuff off your plate in the afternoon to let you draft some answers here.

----- Forwarded message -----

From: **Dudley, Lauren** <[REDACTED]>
Date: Mon, Sep 9, 2019 at 11:32 AM
Subject: RE: Briefing on Old Post Office Building Lease
To: Tyler Menzler - S <tyler.menzler@gsa.gov>
Cc: Andrew Blaylock - S <andrew.blaylock@gsa.gov>, kevin.ortiz@gsa.gov <kevin.ortiz@gsa.gov>, Jeff Post - S <jeffrey.post@gsa.gov>, Pasternak, Doug <[REDACTED]>, Weisman, Matt <[REDACTED]>, Fulcer, Brett <[REDACTED]>, Cooke, Corey <[REDACTED]>, Hardy, Johanna <[REDACTED]>, Jacobs, Ann <[REDACTED]>

Tyler,

I'm checking back in about scheduling the briefing on the Old Post Office Building lease. Is there a date/time that works for GSA?

Thanks,

Lauren

Lauren R. Dudley | Democratic Counsel

Committee on Transportation and Infrastructure

U.S. House of Representatives

[REDACTED]

Direct: [REDACTED]

transportation.house.gov

From: Dudley, Lauren
Sent: Tuesday, September 3, 2019 4:35 PM
To: Tyler Menzler - S <tyler.menzler@gsa.gov>
Cc: Andrew Blaylock - S <andrew.blaylock@gsa.gov>, kevin.ortiz@gsa.gov; Jeff Post - S <jeffrey.post@gsa.gov>; Pasternak, Doug <[REDACTED]>; Weisman, Matt <[REDACTED]>; Fulcer, Brett <[REDACTED]>; Cooke, Corey <[REDACTED]>; Hardy, Johanna <[REDACTED]>; Jacobs, Ann <[REDACTED]>
Subject: RE: Briefing on Old Post Office Building Lease

We plan on sending the invite letter over in the next few days.

-Lauren

From: Tyler Menzler - S <tyler.menzler@gsa.gov>
Sent: Tuesday, September 3, 2019 2:23 PM
To: Dudley, Lauren <[REDACTED]>
Cc: Andrew Blaylock - S <andrew.blaylock@gsa.gov>; kevin.ortiz@gsa.gov; Jeff Post - S <jeffrey.post@gsa.gov>; Pasternak, Doug <[REDACTED]>; Weisman, Matt <[REDACTED]>; Fulcer, Brett <[REDACTED]>; Cooke, Corey <[REDACTED]>; Hardy, Johanna <[REDACTED]>; Jacobs, Ann <[REDACTED]>
Subject: Re: Briefing on Old Post Office Building Lease

Lauren,

Thanks for the insight. We are evaluating it internally and should get back to you soon.

Any update on when GSA can expect the invite letter for the hearing?

Thanks,



U.S. General Services Administration

Tyler R. Menzler

Congressional Policy Analyst

Office of Congressional and Intergovernmental Affairs

tyler.menzler@gsa.gov

202-674-9450

On Tue, Sep 3, 2019 at 2:16 PM Dudley, Lauren [REDACTED] > wrote:

Tyler,

Sorry for just now getting back to you. I was out of the office on Friday. Here are issues we would like to discuss at the briefing:

- GSA management of the Old Post Office lease
- GSA financial oversight of the lease
- GSA's perspective on the Jan. 2019 GSA IG report
- GSA's response to the Jan. 2019 GSA IG report recommendation

Thanks,

Lauren

Lauren R. Dudley | Democratic Counsel

Committee on Transportation and Infrastructure

U.S. House of Representatives

[REDACTED]

Direct: [REDACTED]

transportation.house.gov

From: Tyler Menzler - S <tyler.menzler@gsa.gov>

Sent: Tuesday, September 3, 2019 12:16 PM

To: Dudley, Lauren [REDACTED] >

Cc: Andrew Blaylock - S <andrew.blaylock@gsa.gov>; kevin.ortiz@gsa.gov; Jeff Post - S <jeffrey.post@gsa.gov>

Subject: Re: Briefing on Old Post Office Building Lease

Good Afternoon Lauren,

Circling back on this chain.

Thanks,



U.S. General Services Administration

Tyler R. Menzler

Congressional Policy Analyst

Office of Congressional and Intergovernmental Affairs

tyler.menzler@gsa.gov

202-674-9450

On Fri, Aug 30, 2019 at 10:34 AM Tyler Menzler - S <tyler.menzler@gsa.gov> wrote:

Good Morning,

To help GSA better prepare for this briefing, would the Committee please lay out the topic of discussion and the issues they wish to address? Working on the appropriate SME to be available for this briefing. We will be in touch re: time.

Best,



U.S. General Services Administration

Tyler R. Menzler

Congressional Policy Analyst

Office of Congressional and Intergovernmental Affairs

tyler.menzler@gsa.gov

202-674-9450

On Fri, Aug 30, 2019 at 8:55 AM Tyler Menzler - S <tyler.menzler@gsa.gov> wrote:

Good Morning Lauren,

Do you have a moment to chat this morning?

Thanks,



U.S. General Services Administration

Tyler R. Menzler

Congressional Policy Analyst

Office of Congressional and Intergovernmental Affairs

tyler.menzler@gsa.gov

202-674-9450

On Thu, Aug 29, 2019 at 4:16 PM Dudley, Lauren [REDACTED] > wrote:

Tyler, Andrew, and Kevin,

In preparation for the hearing on September 25, we are reaching out to request a committee staff briefing from GSA on the Old Post Office Building lease and issues that may arise at the hearing the week of September 9. Our preference would be to meet Monday, September 9 in the morning or Tuesday, September 10. This briefing will be bipartisan. Please let me know times that work for you.

We would also like to request a list of cases pending or past related to 18 U.S.C. 431, which prohibits Members of Congress from entering into or holding contracts with the federal government.

I'm happy to answer any questions.

Thanks,

Lauren

Lauren R. Dudley | Democratic Counsel

Committee on Transportation and Infrastructure

U.S. House of Representatives

[REDACTED]

Direct: [REDACTED]

transportation.house.gov

--

Jeffrey Post
Associate Administrator
Office of Congressional and Intergovernmental Affairs
U.S. General Services Administration
(t) (202) 969-7250
(m) [REDACTED]

From: Erin Mewhirter - S <erin.mewhirter@gsa.gov >
To: Jeff Post - S <jeffrey.post@gsa.gov >, Rebecca Pselos - S <rebecca.pselos@gsa.gov >, Kevin Ortiz - S <kevin.ortiz@gsa.gov >
Subject: Jeff, Rebecca, Kevin - the OPO QFRs have cleared A-Suite - attached. CC042863
Date: Mon, 4 May 2020 11:19:25 -0400
Message-ID: <CAJOw7B3LYOO5MvOV4Z0=fW=uT_Rj8_iSQ+ cUjMzHjaLFez9X0g@mail.gmail.com >
Attachments: CC042863 T&I OPO QFRs (3).docx

I can send to Candice now for OMB review. Let me know if you want to discuss any further before I send.
Thanks. Erin

--

Erin Mewhirter
Director of Operations
Office of Congressional and Intergovernmental Affairs
U.S. General Services Administration

www.gsa.gov

[REDACTED]

[REDACTED]

[REDACTED]

**SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND
EMERGENCY MANAGEMENT HEARING
"GSA OUTLEASES AND THE TRUMP OLD POST OFFICE HOTEL"
JANUARY 28, 2020**

Questions for the Record Submitted by Chair DeFazio and Subcommittee Chair Titus

Selling the Outlease:

1. If the lease for the Trump International Hotel Washington DC remains with the Trump Organization and Donald J. Trump is not re-elected as President, then the Trump Organization could potentially end up with an underperforming asset. What does GSA do when the owner of an outlease with GSA cannot meet the terms of the outlease? Is there a standard policy or contingency plan?

| _____

2. What responsibilities remain with the Trump Organization if the lease is sold?

| _____

3. Please explain how much money taxpayers will receive if the Trump International Hotel Washington DC outlease is sold for \$500 million and how the money received by GSA is calculated?

| _____

4. If the purchaser of the lease is an LLC -- how will GSA know if that's just a front for a Russian oligarch, or a terrorist organization? What specific steps would GSA take to identify *all* of the LLC owners and anyone or any

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Security:

1. Is GSA engaging with the FBI, Department of Justice or the Secret Service in regard to the potential sale of the lease given the fact that the Trump International Hotel Washington DC is next to the Department of Justice and across the street from the FBI headquarters, since depending on the ownership of the lease it could pose a national security threat to these agencies?

2. The Department of Homeland Security has developed standards and policies for security in and protection of government-owned buildings. The Old Post Office Building seems to be particularly vulnerable from a security perspective--both as a potential target and as a platform for breaching the electronic or physical security of nearby high-security buildings such as the FBI headquarters building. Did GSA or any other Federal entity assess the security risks presented by the Old Post Office building and its outlease to the Trump Organization prior to the signing of the lease in 2013? If so, what

countermeasures were identified to mitigate these risks? To what extent are these countermeasures being implemented?

A diagram illustrating a sequence of 10 steps. The steps are arranged in a staircase pattern, with each step labeled with a number from 1 to 10. The steps are connected by horizontal and vertical lines, forming a continuous path. The final step is labeled '10'.

3. Chapter 17 of GSA's Leasing Desk Guide lists requirements for security agency buy-ins for leased space. The Trump International Hotel Washington DC lease does not include any security requirements. Should outleases have security requirements? Especially when the buildings are in sensitive areas?

4. GSA's contract with the Trump Organization does not expressly define actions that the Trump Organization is required to take to promote the security and protection of the Old Post Office building. This seems to be an important omission. What will you do to make clear the lessee's security responsibilities both in the case of the Trump International Hotel Washington DC outlease and in future outleases that GSA executes?

GSA Response:

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Outleasing Policy:

1. Multiple layers of rules and regulations direct GSA's acquisition of goods, services and leased space. The Federal Acquisitions Regulations (FAR) is more than 1,000 pages long, GSA's Acquisitions Manual (the GSAR) is almost 500 pages long, and GSA's Leasing Desk Guide - 22 chapters and eight appendices -is almost 900 pages long. Do the FAR, GSAR or the Leasing Desk Guide apply to GSA outleases? If not, what aspects of these regulations and guidance should be applied to outleases? What steps do you plan to take to establish guidance for outleases that you determine is currently lacking?

GSA Response:

2. GSA's brokers and Lease Contracting Officers use a standard lease form, correct? Why is there no standard outlease form?

3. GSA's standard form for Leasing Contract Officers requires that no person holding a federally elected office may directly or indirectly participate or benefit from the lease. However, the form only applies to leases. Why is that provision not included in outleases?

Question for the Record Submitted by Congresswoman Eleanor Holmes Norton

1. What is the rationale for moving Pretrial Services Agency (PSA), the Court Services and Offender Supervision Agency (CSOSA), and the Public Defender Service (PDS) more than a mile from DC Superior Court and the DC Court of Appeals when the US Attorney's Office was recently moved only four blocks away?

GSA Response:

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Questions for the Record Submitted by Congressman Steve Cohen

1. Please provide a copy of the Tariff Building/Hotel Monaco outlease and any amendments to the lease.

GSA Response:

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2. Please provide the text of any confidentiality clauses included in the Tariff Building/Hotel Monaco outlease.

GSA Response:

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3. How many GSA outleases include a confidentiality clause?

GSA Response:

4. What is the reasoning behind including a confidentiality clause for the Tariff Building/ Hotel Monaco?

GSA Response:

5. When did the GSA contracting officer submit a request to the tenant for its consent to release the unredacted copy of the Tariff Building/ Hotel Monaco lease to the Committee?

GSA Response:

6. Has the tenant responded to the GSA contracting officer's request? If yes, please provide a copy of the tenant's response.

GSA Response:

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov >
To: "Kiles, Alex" <[REDACTED]>
CC: Jeff Post - S <jeffrey.post@gsa.gov>, "[REDACTED]", "Johnson, Ellen" <[REDACTED]>
BCC: Rebecca Pselos - S <rebecca.pselos@gsa.gov>, Erin Mewhirter - S <erin.mewhirter@gsa.gov>, Pamela Pennington - ZM <pamela.pennington@gsa.gov>
Subject: Re: FW: Letter for The Honorable Emily Murphy, Administrator General Services Administration
Date: Thu, 21 May 2020 14:35:05 -0400
Message-ID: <CALNeg3BT6wfqvaVg-0kE+24zQz+SGZQQG1MJyzjGrP4n3ardvw@mail.gmail.com >
Attachments: Consolidated response to OPO letters 5.21.2020.pdf

Alex -

Please find GSA's response attached.

Best,

Kevin

On Wed, Apr 29, 2020 at 9:07 AM Kiles, Alex <[REDACTED]> wrote:

Jeff and Kevin,

Please see below and attached.

Regards,

Alex

From: Goss, Trinity [REDACTED]
Sent: Wednesday, April 29, 2020 9:01 AM
To: Rebecca Pselos - S <rebecca.pselos@gsa.gov>
Cc: Kenny, Peter [REDACTED]; Boyd, Krista <[REDACTED]>; Kiles, Alex [REDACTED]; LaNier, Elisa <[REDACTED]>; MacPherson, Cameron <[REDACTED]>; Jones, Taylor <[REDACTED]>
Subject: Letter for The Honorable Emily Murphy, Administrator General Services Administration

Hello—

Please see the letter from Chairwoman Carolyn B. Maloney and Chairman Gerald E. Connolly, Subcommittee on Government Operations, Committee on Oversight and Reform, to The Honorable Emily Murphy, Administrator General Services Administration.

Please acknowledge receipt of letter.

Thank you,

Trinity Goss

Trinity M. E. Goss | Executive Team Coordinator

Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform

[REDACTED] | (202) 225-5051

--



U.S. General Services Administration

Kevin Ortiz

Policy Advisor

Office of Congressional and Intergovernmental Affairs

kevin.ortiz@gsa.gov

[REDACTED] (mobile)



May 21, 2020

The Honorable Peter DeFazio
Chairman
Committee on Transportation and Infrastructure
House of Representatives
Washington, DC 20515

The Honorable Dina Titus
Chairwoman
Subcommittee on Economic Development, Public Buildings, and Emergency
Management
Committee on Transportation and Infrastructure
House of Representatives
Washington, DC 20515

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515

The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515

The Honorable Christopher Van Hollen
United States Senate
Washington, DC 20510

Dear Chairman DeFazio, Chairwoman Titus, Chairwoman Maloney, Chairman Connolly,
and Senator Van Hollen:

This is in response to your letters regarding public reports that the Trump Old Post Office LLC (Tenant) has requested rent relief under the Old Post Office Building lease agreement. On May 6, 2020, the U.S. General Services Administration (GSA) issued the attached Guidance on Handling Outleasing Rent Deferral and Waiver Requests (Guidance). As you will see, the Guidance, among other things, requires outlease tenants to submit requests for rent relief in writing. To date, GSA has not received from the Tenant any written request for rent relief, and no such relief has been granted.

1800 F Street, NW
Washington, DC 20405-0002
www.gsa.gov

If you have any additional questions or concerns, please feel free contact me at (202) 501-0563.



Jeffrey A. Post
Associate Administrator

Enclosure

cc:

The Honorable Sam Graves, Ranking Member, Committee on Transportation and Infrastructure

The Honorable John Katko, Ranking Member, Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure

The Honorable Jim Jordan, Ranking Member, Committee on Oversight and Reform

The Honorable Jody Hice, Ranking Member, Subcommittee on Government Operations, Committee on Oversight and Reform

From: Andrew Blaylock - S <andrew.blaylock@gsa.gov >
To: Jeff Post - A <jeffrey.post@gsa.gov >, Rebecca Pselos - S <rebecca.pselos@gsa.gov >, Tyler Menzler - S <tyler.menzler@gsa.gov >, Kevin Ortiz - S <kevin.ortiz@gsa.gov >, Saul Japson <saul.japson@gsa.gov >
Subject: GAO Outleasing Audit
Date: Fri, 17 Jan 2020 13:58:50 -0500
Message-ID: <CAFrwOFi6uQekawSd3kfXhRWXeOMimJg90k3HuEXz=4i9vzWgYQ@mail.gmail.com >
Attachments: GAO-18-603R Final Report (Issued 07-25-2018).pdf

Andrew Blaylock
Office of Congressional and Intergovernmental Affairs
U.S. General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405
Office: 202.969.7189
Email: Andrew.Blaylock@gsa.gov

[REDACTED]

[REDACTED]

[REDACTED]



441 G St. N.W.
Washington, DC 20548

July 25, 2018

The Honorable Peter DeFazio
Ranking Member
Committee on Transportation and Infrastructure
House of Representatives

The Honorable Hank Johnson
Ranking Member
Subcommittee on Economic Development, Public Buildings, and Emergency Management
Committee on Transportation and Infrastructure
House of Representatives

Federal Real Property: GSA Outleasing and Restrictions on Participation of Elected Officials

GAO placed federal real property management on its High Risk List in 2003. Yet, 15 years later the federal government continues to face challenges in disposing of excess or underutilized real property that it is unable to repurpose.¹ The General Services Administration (GSA) is authorized under certain circumstances to lease unneeded space to private businesses and other nonfederal entities—a process known as outleasing.² You asked us for information on GSA's outleasing program. This report summarizes: (1) the extent to which GSA has used outleasing to substantially or wholly utilize unneeded federal real property; (2) the process GSA has followed when developing outlease agreements; and (3) the extent to which GSA has included provisions in its outlease agreements related to the participation of elected officials in these outleases.

To address our objectives, we obtained GSA data, as of June 2018, on all federal real properties identified by GSA as substantially or wholly outleased—which we defined as outleasing 20 percent or more of a building. We validated these data by reviewing leases, interviewing GSA officials, and visiting one outlease site. We reviewed relevant laws and regulations, copies of the outlease agreements, and older leases on which the current leases were modeled. We also reviewed GSA's *Outlease Program Guide*, finalized in April 2018. We interviewed officials from GSA's Outlease Program Office, GSA's Office of General Counsel, and GSA regional offices, including those involved with or knowledgeable about the outlease agreements included in our review.

We conducted our work from August 2017 to July 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient and appropriate evidence to provide a reasonable basis for our findings and

¹For this and other reasons, federal real property remains on GAO's High Risk List today. See GAO, *High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others*, [GAO-17-317](#) (Washington, D.C., Feb. 15, 2017).

²GSA also uses outleasing to allow for retail and other limited-scope use of available space, such as putting restaurants in the food court of a federal building.

conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions. This report summarizes information that we orally presented to committee staff in April 2018, updated as needed.

In summary, GSA is authorized under certain circumstances to lease unneeded space to private businesses and other nonfederal entities—a process known as outleasing. We found that GSA outleases at least 20 percent of space in six federally owned buildings, ranging from part of the space in two buildings to all of the space in four other buildings. Since outleasing involves the temporary disposal, not the acquisition, of space, GSA is not required to follow the standardized processes or to use model lease provisions contained in the General Services Acquisition Regulation (GSAR) and other documents pertaining to GSA’s more typical leasing activities. Nonetheless, in April 2018, GSA finalized a new program guide that the agency anticipates will generally introduce a more standardized approach for its officials to follow in the agency’s outleasing. GSA officials told us that GSA contracting officers will continue to have discretion in developing terms and conditions of outlease agreements, subject to the general requirement that these contracting officers must act “in the best interests of the U.S. Government.” Finally, we found that 8 of the 11 leases for the six outleased buildings that we reviewed include one or more provisions restricting certain participation by members of Congress, and three of those same provisions also restrict certain participation by elected federal executive branch officials.

Background

GSA uses its outleasing authority in two ways. The first use is to fill vacant or underutilized federal space by leasing it to nonfederal entities, which can help offset the costs of maintaining these assets. For example, GSA has outleased certain vacant historic federal buildings for hotels and underutilized space in a federal building for nonfederal office space. The second use is to allow for retail and other limited-scope use of available space, such as putting restaurants in the food court of a federal building, allowing commercial antennas on federal buildings, and using federal space to host special events and movie productions. Table 1 identifies several legal authorities that permit GSA to outlease space, depending on the particular facts and circumstances.

Table 1: Authorities GSA May Have Available to Outlease Space

Statute	Citation	Description of authority
Federal Property and Administrative Services Act	40 U.S.C. § 543	Authorizes GSA to dispose of surplus property by sale, lease, permit, exchange, or transfer.
Cooperative Use Act	40 U.S.C. § 581(h)	Authorizes GSA to lease space on a major pedestrian-access level, courtyard, or rooftop of a public building for the purpose of commercial, cultural, educational, or recreational activities.
National Historic Preservation Act	54 U.S.C. §§ 306121, 306122	Authorizes GSA to lease or exchange historic property, provided it determines that the preservation of the historic property will be adequately ensured.
Consolidated Appropriations Act, 2005	Pub. L. No. 108-447, Div. H, Title IV, § 412	Authorizes GSA to convey property by sale, lease, exchange, or other methods.
Federal Property and Administrative Services Act	40 U.S.C. § 581(d)	Authorizes GSA to lease a federal building until the property is needed for construction purposes.

Source: GAO. | GAO-18-603R

GSA Has Used Outleasing to Utilize Unneeded Federal Property in Six Federal Buildings

As of June 2018, GSA officials said that GSA had wholly or substantially outleased space in 6 vacant or underutilized federal buildings. Table 2 identifies these buildings and certain lease details, such as the duration of the leases and the lessee's current use of the space.

Table 2: Federal Buildings at Least 20 Percent Outleased by GSA, as of June 2018

Federal building and location	Lessee(s)	Lease term	Leasing authority relied on by GSA	Share of building outleased	Space use
1) Tariff Building (Washington, DC)	Tariff Building Associates, LP	1999 to 2059	54 U.S.C. § 306121	fully	hotel
2) 18 West Jackson Blvd Building (Chicago, IL)	Citizen's Official Services, Inc.	2006 to 2022	40 U.S.C. § 581(h)	fully	various food and other consumer services
	Jackson & State Currency Exchange Inc.	2006 to 2018 ^a			
	Comprehensive Business Accounting, Inc. d/b/a Jackson Hewitt Tax Service	2007 to 2018 ^b			
	Jackson Street LLC	2013 to 2018 ^c			
	Parshv Enterprise Inc.	2015 to 2025			
3) Silvio O. Conte Building (Pittsfield, MA)	Berkshire Community College	2011 to 2018 ^d	Pub. L. No. 108-447, Div. H, § 412	substantially (27% of space)	educational
	University of Massachusetts	2016 to 2022			
4) Old Post Office (Washington, DC)	Trump Old Post Office LLC	2013 to 2076	54 U.S.C. § 306121; Pub. L. No. 110-359 (Old Post Office Building Redevelopment Act of 2008)	fully	hotel
5) David W. Dyer Federal Building and U.S. Courthouse (Miami, FL)	Miami Dade College	2016 to 2081	54 U.S.C. § 306121	fully	educational
6) Spring Street Courthouse (Los Angeles, CA)	Judicial Council of Los Angeles	2017 to 2027	54 U.S.C. § 306121	substantially (27% of space)	noncriminal court, administrative, storage

Source: GAO analysis of GSA documents. | GAO-18-603R

^aThis lease expires in July 2018. According to a GSA official, as of June 2018, GSA plans to negotiate a new lease with the same tenant.

^bThis lease expired in April 2018. According to a GSA official, as of June 2018, GSA is in the process of negotiating a new lease with the same tenant.

^cThis lease expired in March 2018. According to a GSA official, as of June 2018, eviction proceedings against the tenant have been initiated.

^dAccording to a GSA official, the tenant plans to vacate the leased space at the end of its lease term in August 2018.

GSA Has Discretion in How It Pursues Outleases and Uses Prior Agreements as Models

GSA's typical leasing activity involves the acquisition of space from private entities. Accordingly, GSA is required to follow the processes and model lease provisions in the General Services Acquisition Regulation (GSAR) and it also follows GSA's general leasing-related guidance. By contrast, because outleasing involves the disposal, not the acquisition, of space, the GSAR and GSA's general leasing guidance do not apply. While GSA contracting officers preparing outleases may use those documents as references, they have discretion in developing outlease agreements subject to the general requirement that the contracting officer act in "the best interests of the U.S. Government." In April 2018, GSA finalized new guidance on outleasing called *The Outlease Program Guide* that includes, among other things: an overview of legal authorities applicable to outleasing; suggested processes to follow when pursuing various types of outlease agreements; and a checklist, templates, and forms that GSA contracting officers can use when developing outleases. GSA officials told us that contracting officials will still have discretion regarding how they pursue outlease agreements and the terms and conditions that they negotiate for those agreements, subject to the above-mentioned general requirement that contracting officials act in the best interests of the U.S. Government.

GSA's process for developing the outleases that we reviewed has varied over time, but the agency has often used prior outlease agreements as templates or starting points when new leases are written. Specifically, GSA officials told us that in developing the outleases for four of the six outleased buildings that we reviewed, the agency used prior GSA outleases as templates and added or subtracted provisions to address site-specific circumstances. In developing the outlease for one of the other two buildings that did not involve the use of a prior GSA lease—the 1999 outlease for the Tariff Building in Washington, D.C.—a GSA official involved in negotiating the lease told us it was based primarily on an early 1980s lease between the Pennsylvania Avenue Development Corporation (PADC) and Willard Associates for what became the Willard Hotel in Washington, D.C. When Congress dissolved PADC in 1996, many of its assets, including the Willard Hotel property lease, were transferred to GSA. When GSA then negotiated the Tariff Building lease for use as a hotel in the late 1990s, the GSA official told us that the agency used the Willard Hotel lease as a starting point. GSA officials also said the Willard Hotel and its land were sold to the private sector in 1999. In developing the outlease for the other building that did not involve the use of a prior GSA lease—the West Jackson Boulevard building in Chicago—GSA adopted the existing commercial leases then in effect. As those leases have expired or will be expiring in the future, GSA told us it has or will develop new leases that include applicable government clauses.

Most of GSA's Current Outleases Include One or More Provisions Restricting Certain Participation of Elected Officials

As shown in table 3, 8 of the 11 leases for the six GSA-outleased buildings that we reviewed contain one or more provisions (designated as "Interested Parties," "Restrictive Provision," or no designation) restricting certain participation by members of Congress. Three of these eight Interested Parties provisions also apply to elected federal (and even state) executive branch officials. The meaning and application of such contractual language is currently in litigation.

We found that core language in these provisions originated in federal statutes dating back before the Civil War, versions of which are still in effect today. We also found that these statutes—in contrast to the outlease provisions—only apply to members of Congress and certain other elected federal legislative branch officials, not to elected federal (or state) executive branch officials. According to the GSA official involved in negotiating GSA's Tariff

Building outlease in the late 1990s, that lease was the first time GSA that expanded the “Interested Parties” provision to apply to elected federal executive branch officials as well.³ The GSA official told us the agency used the Willard Hotel lease as a starting point for the Tariff Building lease but noted that the Willard lease only applied to members of Congress and elected D.C. Government officials. According to this GSA official, that prompted GSA to negotiate an expansion of the provision to cover elected federal executive branch officials (that is, “elected official[s] of the Government of the United States”). GSA officials also told us that, currently, inclusion of an “Interested Parties” provision in GSA outleases has become a best practice on a case-by-case basis.

Table 3: Outlease Provisions Restricting Certain Participation by Elected Officials in Space Substantially or Wholly Outleased by GSA, as of June 2018

Federal building fully or substantially outleased by GSA	Lessee and outlease provision(s)	Outlease provision language
1) Tariff Building (Washington, DC)	Tariff Building Associates, LP (Lease section 32.20)	“Interested Parties. No member or delegate to Congress, or elected official of the Government of the United States or the Government of the District of Columbia, shall be admitted to any share or part of this Lease, or to any benefit that may arise therefrom; provided, however, that this provision shall not be construed as extending to any Person who may be a shareholder or other beneficial owner of any publicly held corporation or other entity, if this Lease is for the general benefit of such corporation or other entity.”
2) 18 West Jackson Blvd Building (Chicago, IL)	Citizen’s Official Services, Inc. (Lease term M)	“No member of or delegate to Congress, or resident Commissioner shall be admitted to any share or part of this [L][I]ease agreement, or to any benefit that may arise there from; but this provision shall not be construed to extend to any corporation or company if the agreement be for the general benefit of such corporation or company.”
	Comprehensive Business Accounting, Inc. dba Jackson Hewitt Tax Service (Lease term M)	
	Jackson Street LLC (Lease section 25, “Restrictive Provision”)	
	Parshv Enterprise Inc. (Lease section 23, “Restrictive Provision”)	
	Jackson & State Currency Exchange, Inc.	No provision. The lease agreement for this outlease is still the original commercial lease that GSA adopted when it acquired the building. When the lease expires, GSA plans to enter into a new lease with relevant government-outlease terms.
3) Silvio O. Conte Federal Building (Pittsfield, MA)	Berkshire Community College	No provision. GSA officials said that they did not know why there was not an Interested Parties clause in these leases. In June 2018, a GSA official told us that the agency was in the process of adding an amendment to the University of Massachusetts lease agreement that would restrict certain participation by certain elected officials. The official indicated that no such amendment was planned for the Berkshire Community College lease because the tenant plans to vacate the leased space at the end of its lease term in August 2018.
	University of Massachusetts	

³Although GSA had previously negotiated at least one other federal building outlease involving all or a substantial part of the space (a 1998 outlease of a federal courthouse in Galveston, Texas), the Interested Parties provision in that lease applied only to members of Congress and other elected federal legislative branch officials.

Federal building fully or substantially outleased by GSA	Lessee and outlease provision(s)	Outlease provision language
4) Old Post Office (Washington, DC)	Trump Old Post Office LLC (Lease section 37.19 and Exhibit Q, paragraph 3, respectively)	<p>"Interested Parties. No member or delegate to Congress, or elected official of the Government of the United States or the Government of the District of Columbia, shall be admitted to any share or part of this Lease, or to any benefit that may arise therefrom; provided, however, that this provision shall not be construed as extending to any Person who may be a shareholder or other beneficial owner of any publicly held corporation or other entity, if this Lease is for the general benefit of such corporation or other entity."</p> <p>-and-</p> <p>"No Member of Congress shall be admitted to any share or part of any contract or Agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon."</p>
5) David W. Dyer Federal Building and Courthouse (Miami, FL)	Miami Dade College (Lease section 32.21)	"Interested Parties. No member or delegate to Congress, or elected official of the Federal Government or the Government of the State of Florida or the City of Miami, shall be admitted to any share or part of this Lease, or to any benefit that may arise therefrom; provided, however, that this provision shall not be construed as extending to any Person who may be a shareholder or other beneficial owner of any publicly held corporation or other entity, if this Lease is for the general benefit of such corporation or other entity."
6) Spring Street Courthouse (Los Angeles, CA)	Judicial Council of Los Angeles (Lease Exhibit E, paragraph D)	"No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the lease agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to any corporation or company if the agreement be for the general benefit of such corporation or company."

Source: GAO analysis of GSA documents. | GAO-18-603R

Agency Comments

We provided a draft of this report to GSA for review and comment. GSA told us that they had no comments on the draft report.

We are sending copies of this report to the appropriate congressional committees and the Administrator of the General Services Administration. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>. If you or your staff have any questions concerning this report, please contact me at (202) 512-2834 or by e-mail at rectanusl@gao.gov. Contact points for our Office of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report were Keith Cunningham (Assistant Director); James Leonard (Analyst-in-Charge); Hannah Laufe; Susan Sawtelle; Sean Standley; and Crystal Wesco.

Director, Physical Infrastructure Issues

(102242)

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James-Christian Blockwood, Managing Director, spel@gao.gov, (202) 512-4707
U.S. Government Accountability Office, 441 G Street NW, Room 7814,
Washington, DC 20548



Please Print on Recycled Paper.

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
To: "Dudley, Lauren" (b) (6) >
Andrew Blaylock - S <andrew.blaylock@gsa.gov>, "Pasternak, Doug" (b) (6) >, "Rosenbaum, Ben" (b) (6) >, "Jacobs, Ann" (b) (6) >
CC: "Weisman, Matt" (b) (6) >, "Syed, Mohsin" (b) (6) >, "Armes, Mike" (b) (6) >, "Cooke, Corey" (b) (6) >, "Hupman, Tara" (b) (6) >, "Hardy, Johanna" (b) (6) >

Hi Lauren -

GSA's response is attached.

Kevin

kevin.ortiz@gsa.gov

Hi Lauren -

I hope you are well. Responding to the Committee's inquiry is a priority for GSA and GSA is actively drafting its response. While we are doing this as quickly as possible, we appreciate the Committee's patience given GSA's necessary work with regard to the pandemic. We will send our response as soon as possible.

Best,

Kevin

(b) (6)

Hi Kevin,

receive a response from GSA?

Lauren R. Dudley | Democratic Counsel

Committee on Transportation and Infrastructure

U.S. House of Representatives

[REDACTED]
Direct: [REDACTED]

transportation.house.gov

From: Dudley, Lauren
Sent: Thursday, April 23, 2020 8:52 PM
To: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Cc: Andrew Blaylock - S <andrew.blaylock@gsa.gov>; Pasternak, Doug <[REDACTED]>; Rosenbaum, Ben <[REDACTED]>; Jacobs, Ann <[REDACTED]>; Weisman, Matt <[REDACTED]>; Syed, Mohsin <[REDACTED]>; Armes, Mike <[REDACTED]>; Cooke, Corey <[REDACTED]>; Hupman, Tara <[REDACTED]>; Hardy, Johanna <[REDACTED]>
Subject: RE: T&I Letter to Administrator Murphy

Thanks, Kevin

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Sent: Thursday, April 23, 2020 8:35 PM
To: Dudley, Lauren <[REDACTED]>
Cc: Andrew Blaylock - S <andrew.blaylock@gsa.gov>; Pasternak, Doug <[REDACTED]>; Rosenbaum, Ben <[REDACTED]>; Jacobs, Ann <[REDACTED]>; Weisman, Matt <[REDACTED]>; Syed, Mohsin <[REDACTED]>; Armes, Mike <[REDACTED]>; Cooke, Corey <[REDACTED]>; Hupman, Tara <[REDACTED]>; Hardy, Johanna <[REDACTED]>
Subject: Re: T&I Letter to Administrator Murphy

Received. Thank you.

On Thu, Apr 23, 2020 at 6:33 PM Dudley, Lauren <[REDACTED]> wrote:

Kevin and Andrew,

Attached is a letter from Chairs DeFazio and Titus to Administrator Murphy regarding the Trump International Hotel lease of the Old Post Office Building. Please confirm receipt of the letter.

Regards,

Lauren

Lauren R. Dudley | Democratic Counsel

Committee on Transportation and Infrastructure

U.S. House of Representatives

[REDACTED]

Direct: [REDACTED]

transportation.house.gov

--



U.S. General Services Administration

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kevin.ortiz@gsa.gov

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May 21, 2020

The Honorable Peter DeFazio
Chairman
Committee on Transportation and Infrastructure
House of Representatives
Washington, DC 20515

The Honorable Dina Titus
Chairwoman
Subcommittee on Economic Development, Public Buildings, and Emergency
Management
Committee on Transportation and Infrastructure
House of Representatives
Washington, DC 20515

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515

The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515

The Honorable Christopher Van Hollen
United States Senate
Washington, DC 20510

Dear Chairman DeFazio, Chairwoman Titus, Chairwoman Maloney, Chairman Connolly,
and Senator Van Hollen:

This is in response to your letters regarding public reports that the Trump Old Post Office LLC (Tenant) has requested rent relief under the Old Post Office Building lease agreement. On May 6, 2020, the U.S. General Services Administration (GSA) issued the attached Guidance on Handling Outleasing Rent Deferral and Waiver Requests (Guidance). As you will see, the Guidance, among other things, requires outlease tenants to submit requests for rent relief in writing. To date, GSA has not received from the Tenant any written request for rent relief, and no such relief has been granted.

1800 F Street, NW
Washington, DC 20405-0002
www.gsa.gov

If you have any additional questions or concerns, please feel free contact me at (202) 501-0563.



Jeffrey A. Post
Associate Administrator

Enclosure

cc:

The Honorable Sam Graves, Ranking Member, Committee on Transportation and Infrastructure

The Honorable John Katko, Ranking Member, Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure

The Honorable Jim Jordan, Ranking Member, Committee on Oversight and Reform

The Honorable Jody Hice, Ranking Member, Subcommittee on Government Operations, Committee on Oversight and Reform

Office Lease

te ussenate.us>

Kevin,

Thanks for the follow up; I was able to download the software and open the files. I will let you know if we have any other challenges. Thanks!

Kenneth

Office Lease

opening the files

essage

<kevin.ortiz@gsa.gov>

at 9:58 PM

Right Request - FBI Headquarters and Old Post Office Lease

(WO)

, Russell, Richard (EPW) <

technical difficulties. I have been advised to ask you to try the WinZip program to open the
please let me know

> wrote:

Hi all,

We are also having the same difficulties. It is my understanding that Kevin is working with IT now to fix this.

Best,
Elizabeth "Lizzy" Olsen, J.D.
Majority Counsel
Senate Committee on Environment and Public Works
O: (202) 224-6176

From: Repko, Mary Frances (EPW) <[REDACTED]>
Sent: Thursday, June 13, 2019 4:22 PM
To: Kevin Ortiz - S <kevin.ortiz@gsa.gov>; Russell, Richard (EPW) <[REDACTED]>; Olsen, Elizabeth (EPW) <[REDACTED]>; French, Sam (EPW) <[REDACTED]> Martin, Kenneth (EPW) <[REDACTED]>
Subject: RE: EPW Oversight Request - FBI Headquarters and Old Post Office Lease

Kevin,

Thank you for your email. We have received our copy of the flash drive, but are having difficulty opening it to review documents. Kenneth is on this email, would you follow up with him to see if there is something we need to try or specify the software requirements for opening it. Richard and I have spoken, and the Majority will also try to see if their drive opens successfully.

Thank you,
MF

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Sent: Thursday, June 13, 2019 2:06 PM
To: Russell, Richard (EPW) <[REDACTED]> Olsen, Elizabeth (EPW) <[REDACTED]> French, Sam (EPW) <[REDACTED]>; Repko, Mary Frances (EPW) <[REDACTED]>; Martin, Kenneth (EPW) <[REDACTED]>
Subject: EPW Oversight Request - FBI Headquarters and Old Post Office Lease

Good afternoon -

Please find attached two letters from GSA Associate Administrator Post in response to the June 7, 2019 email from senior EPW Majority staff, requesting GSA's productions to the House Oversight and Reform Committee and the House Transportation and Infrastructure Committee regarding issues within EPW's jurisdiction. This request was made on behalf of Committee Chairman John Barrasso.

GSA will deliver two sets of password protected flash drives today containing responsive documents on the Federal Bureau of Investigation's headquarters project and the Old Post Office lease. The password for both sets of flash drives is: [REDACTED]

As GSA makes additional productions to the identified House committees on these issues, we will make those available to EPW as well.

Best,

--

U.S. General Services Administration

Kevin Ortiz

Congressional Policy Analyst

Office of Congressional and Intergovernmental Affairs

kevin.ortiz@gsa.gov

[REDACTED] (mobile)

--



U.S. General Services Administration

Kevin Ortiz

Congressional Policy Analyst

Office of Congressional and Intergovernmental Affairs

kevin.ortiz@gsa.gov

[REDACTED] (mobile)

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
To: "Kenny, Peter" <[REDACTED]>, Alex Kiles <[REDACTED]>
CC: Jeff Post - S <jeffrey.post@gsa.gov>
Subject: Fwd: GSA Response and Document Production
Date: Fri, 7 Jun 2019 15:19:45 -0400
Message-ID: <CALNeg3Apa2rGZen99MvE7RuX3B630bR6emuj4sS31DdYp- 7BAA@mail.gmail.com>
Attachments: (9) CC039514 #6 transmittal 6.7.19.pdf

Hi Peter and Alex -

Do you have time for a quick call today at 3:30 or 3:45pm to discuss GSA's search terms? Alternatively, Monday would work. We'd also like to discuss next steps on the Old Post Office letter.

Apologies for the short notice. Our schedules have been full today but we wanted to make sure to get you a production.

Best,

Kevin

----- Forwarded message -----

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Date: Fri, Jun 7, 2019 at 3:15 PM
Subject: Re: GSA Response and Document Production
To: Kenny, Peter <[REDACTED]>, Kiles, Alex <[REDACTED]>, Doomes, Elliot <[REDACTED]>, Davis, Aaron <[REDACTED]>, Pasternak, Doug <[REDACTED]>, Jacobs, Ann <[REDACTED]>
Cc: Johnson, Ellen <[REDACTED]>, Hardy, Johanna <[REDACTED]>, Cooke, Corey <[REDACTED]>, Martens, John <[REDACTED]>

Good afternoon -

Please find attached a letter from GSA Associate Administrator Post in response to the March 6, 2019 letter from Chairmen Cummings, DeFazio, Quigley, Connolly, and Chairwoman Titus.

GSA will deliver a password protected flash drive containing the documents today. These documents are responsive to requests 3, 7, and 8 from the October 18, 2018 letter. The password for the flash drive is:
[REDACTED]

GSA will continue to provide documents on a rolling basis.

Best,

Kevin

On Fri, May 17, 2019 at 3:08 PM Kevin Ortiz - S <kevin.ortiz@gsa.gov> wrote:
Good afternoon -

Please find attached a letter from GSA Associate Administrator Post in response to the March 6, 2019 letter from Chairmen Cummings, DeFazio, Quigley, and Connolly and Chairwoman Titus.

GSA will deliver a password protected flash drive containing more than 900 pages of documents by 5pm today. These documents are responsive to requests 3, 4, 5, and 6 from the October 18, 2018 letter. The password for the flash drive is: [REDACTED]

GSA will continue providing documents on a rolling basis.

Best,

Kevin

On Fri, Apr 12, 2019 at 4:33 PM Kevin Ortiz - S <kevin.ortiz@gsa.gov> wrote:
Good afternoon -

Please find attached a letter from GSA Associate Administrator Post in response to the March 6, 2019 letter from Chairmen Cummings, DeFazio, Quigley, and Connolly and Chairwoman Titus.

GSA would like to deliver a password protected flash drive containing more than 1,000 pages of documents today. These documents are responsive to request 3 from the October 18, 2018 letter. The password for the flash drive is: [REDACTED]

Please let me know if someone will be in your front office to receive the flash drive. I plan to arrive by 5:10.

GSA will continue providing documents on a rolling basis.

Best,

Kevin

On Mon, Apr 1, 2019 at 10:43 AM Kevin Ortiz - S <kevin.ortiz@gsa.gov> wrote:
Good morning -

A flash drive with the documents promised below have been delivered to each of your respective offices. It does not require a password to access. However, please be advised that the documents on the flash drive contain certain information that normally would be redacted or withheld from public disclosure pursuant to the Freedom of Information Act, the Privacy Act, or other applicable laws or regulations. As a result, you should not publicly share, distribute, or otherwise disclose this information without prior coordination with GSA.

Please let me know if you have any questions.

Best,

Kevin

Sent from my iPhone

On Mar 29, 2019, at 5:23 PM, Kevin Ortiz - S <kevin.ortiz@gsa.gov> wrote:

Good afternoon -

Attached please find an additional letter from GSA Administrator Murphy in response to the March 6, 2019 letter from Chairmen Cummings, DeFazio, Quigley, and Connolly and Chairwoman Titus.

Additionally, GSA will be delivering a password protected flash drive on Monday containing more than 500 individual unredacted documents (more than 780 pages). These documents are responsive to request 3 from the October 18, 2018 letter. The password for the drive will also be sent on Monday.

GSA will continue to provide documents on a rolling basis.

Best,

Kevin

On Tue, Mar 12, 2019 at 5:54 PM Jeff Post - S <jeffrey.post@gsa.gov> wrote:
Good afternoon,

Attached please find a letter from GSA Administrator Murphy in response to the March 6, 2019 letter from Chairmen Cummings, DeFazio, Quigley, and Connolly and Chairwoman Titus. Also enclosed is a narrative timeline of GSA's new FBI headquarters efforts which is in response to requests one and two from the October 18, 2018 letter.

Additionally, GSA is delivering a password protected flash drive containing more than 1500 individual unredacted documents (more than 2500 pages). These documents are responsive to request 3 from the October 18, 2018 letter, but do not complete GSA's full production set for request 3. The password to this drive is: [REDACTED]

GSA will continue to produce responsive materials on a rolling basis.

Thank you,

Jeff

--

Jeffrey Post
Associate Administrator
Office of Congressional and Intergovernmental Affairs
U.S. General Services Administration
(t) (202) 969-7250
(m) [REDACTED]

--



U.S. General Services Administration

Kevin Ortiz
Congressional Policy Analyst
Office of Congressional and Intergovernmental Affairs
kevin.ortiz@gsa.gov
[REDACTED]

<House Chairs FBI HQ 3.29.19.pdf>

--



U.S. General Services Administration

Kevin Ortiz
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[REDACTED] (mobile)

--



U.S. General Services Administration

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--



U.S. General Services Administration

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kevin.ortiz@gsa.gov
[REDACTED] (mobile)



Office of Congressional and Intergovernmental Affairs

June 7, 2019

**The Honorable Elijah E. Cummings
Chairman
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515**

**The Honorable Peter DeFazio
Chairman
Committee on Transportation and Infrastructure
House of Representatives
Washington, DC 20515**

**The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515**

**The Honorable Mike Quigley
Chairman
Subcommittee on Financial Services and
General Government
Committee on Appropriations
House of Representatives
Washington, DC 20515**

**The Honorable Dina Titus
Chairwoman
Subcommittee on Economic Development, Public Buildings and
Emergency Management
Committee on Transportation and Infrastructure
House of Representatives
Washington, DC 20515**

Dear Madam Chairwoman and Messrs. Chairmen:

This is in further response to your letter dated March 6, 2019, which restated your March 18, 2018, request for documents regarding the Federal Bureau of Investigation Headquarters project (October request) as an official request from your respective committees.

1800 F Street, NW Washington, DC 20405-0002
www.gsa.gov

GSA_2021_OPO_TI_003735

The U.S. General Services Administration (GSA) previously provided responses to your requests through letters dated March 12, 2019, March 29, 2019, April 12, 2019, and May 17, 2019. We also previously produced documents provided to the Senate Environment and Public Works Committee, partially responding to request (6).

Enclosed with this letter is an encrypted flash drive containing additional documents responsive to request (3), as well as those responsive to requests (7) and (8). My staff will send your staff an email with the password to access the drive. As with our prior letters dated March 12, March 29, April 12, and May 17 letters, these records are produced pursuant to an official committee request, dated March 6, 2019. Be advised that these documents contain certain information that normally would be redacted or withheld from public disclosure pursuant to the Freedom of Information Act, the Privacy Act, or other applicable laws or regulations. As a result, you should not publicly share, distribute, or otherwise disclose this information without prior coordination with GSA. To the extent the documents in this production responsive to request (3) include redactions, all redactions were made at the specific request of the Federal Bureau of Investigation.

Lastly, pursuant to a conversation on June 5, 2019, with Oversight and Reform Committee staff, this letter confirms that Committee's request that GSA expand its search of documents responsive to requests (3) through (6) of the October request, considering the term "to the present" to refer to March 6, 2019. GSA has begun searching for responsive material within the revised timeframe.

GSA will continue to provide additional documents responsive to your request on an ongoing basis. If you have any questions or concerns, please contact me at (202) 501-0100.

Sincerely,



Jeffrey A. Post
Associate Administrator

Enclosures

cc: The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

The Honorable Sam Graves, Ranking Member
House Committee on Transportation and Infrastructure

The Honorable Mark Meadows, Ranking Member
Subcommittee on Government Operations, House Committee on Oversight and Reform
Subcommittee on Economic Development, Public Buildings and Emergency
Management, House Committee on Transportation and Infrastructure

The Honorable Tom Graves, Ranking Member
Subcommittee on Financial Services and General Government,
House Committee on Appropriations

From: "Dudley, Lauren" <[REDACTED]>
To: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Andrew Blaylock - S <andrew.blaylock@gsa.gov>, "Pasternak, Doug" <[REDACTED]>,
"Rosenbaum, Ben" <[REDACTED]>, "Jacobs, Ann" <[REDACTED]>,
CC: "Weisman, Matt" <[REDACTED]>, "Syed, Mohsin" <[REDACTED]>,
"Armes, Mike" <[REDACTED]>, "Cooke, Corey" <[REDACTED]>,
"Hupman, Tara" <[REDACTED]>, "Hardy, Johanna" <[REDACTED]>
Subject: RE: T&I Letter to Administrator Murphy
Date: Wed, 13 May 2020 14:40:10 +0000
Message-ID: <MN2PR09MB468313FFDFB8E2982CCDC455C3BF0@MN2PR09MB4683.namprd09.prod.outlook.com>
Attachments: 2020-04-23 - PAD-Titus LTR GSA RE Trump Hotel Rent RequestFinal.pdf

Hi Kevin,

I'm following up on the attached request. When we can expect to receive a response from GSA?

Thanks,
Lauren

Lauren R. Dudley | Democratic Counsel
Committee on Transportation and Infrastructure
U.S. House of Representatives
[REDACTED]

Direct: [REDACTED]
transportation.house.gov

From: Dudley, Lauren
Sent: Thursday, April 23, 2020 8:52 PM
To: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Cc: Andrew Blaylock - S <andrew.blaylock@gsa.gov>; Pasternak, Doug <[REDACTED]>; Rosenbaum, Ben <[REDACTED]>;
<[REDACTED]>; Jacobs, Ann <[REDACTED]>; Weisman, Matt <[REDACTED]>;
<[REDACTED]>; Syed, Mohsin <[REDACTED]>; Armes, Mike <[REDACTED]>;
<[REDACTED]>; Cooke, Corey <[REDACTED]>; Hupman, Tara <[REDACTED]>;
<[REDACTED]>; Hardy, Johanna <[REDACTED]>
Subject: RE: T&I Letter to Administrator Murphy

Thanks, Kevin

From: Kevin Ortiz - S <kevin.ortiz@gsa.gov>
Sent: Thursday, April 23, 2020 8:35 PM
To: Dudley, Lauren <[REDACTED]>
Cc: Andrew Blaylock - S <andrew.blaylock@gsa.gov>; Pasternak, Doug <[REDACTED]>; Rosenbaum, Ben <[REDACTED]>;
<[REDACTED]>; Jacobs, Ann <[REDACTED]>; Weisman, Matt <[REDACTED]>;
<[REDACTED]>; Syed, Mohsin <[REDACTED]>; Armes, Mike <[REDACTED]>;
<[REDACTED]>; Cooke, Corey <[REDACTED]>; Hupman, Tara <[REDACTED]>;
<[REDACTED]>; Hardy, Johanna <[REDACTED]>
Subject: Re: T&I Letter to Administrator Murphy

Received. Thank you.

On Thu, Apr 23, 2020 at 6:33 PM Dudley, Lauren [REDACTED] > wrote:

Kevin and Andrew,

Attached is a letter from Chairs DeFazio and Titus to Administrator Murphy regarding the Trump International Hotel lease of the Old Post Office Building. Please confirm receipt of the letter.

Regards,
Lauren

Lauren R. Dudley | Democratic Counsel
Committee on Transportation and Infrastructure
U.S. House of Representatives
[REDACTED]

Direct: [REDACTED]
transportation.house.gov

--



U.S. General Services Administration

Kevin Ortiz

Policy Advisor

Office of Congressional and Intergovernmental Affairs

kevin.ortiz@gsa.gov

[REDACTED] (mobile)



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Peter A. DeFazio
Chairman

Katherine W. Dedrick
Staff Director

Sam Graves
Ranking Member

Paul J. Sass
Republican Staff Director

April 23, 2020

Ms. Emily Murphy
Administrator
General Services Administration (GSA)
1800 F Street, NW
Washington, DC 20405

Dear Administrator Murphy:

As the United States confronts the continued health, safety, and economic impacts of the COVID-19 pandemic, we are concerned about reports of the Trump Organization seeking rent relief for its lease for the Trump International Hotel at the General Services Administration (GSA)-owned Old Post Office Building (Trump OPO or OPO) in Washington, D.C. We are writing in order to get assurances from you that GSA will not give preferential treatment to President Trump's business in light of the many conflict of interest issues we have been raising since before the start of the Trump administration. In addition, any Federal financial benefits to the Trump International Hotel may be in violation of the Emoluments Clauses of the U.S. Constitution.

According to media reports, the Trump Organization has made inquiries to GSA regarding its lease payment obligations and as part of this is discussing potential relief including delays of future rent payments.¹ Last week, it was announced that the Trump International Hotel laid off or furloughed over 230 employees,² and more than 1,500 people nationwide have been laid off or furloughed from Trump properties.³

¹ Ben Protess, Steve Eder, & David Enrich, "Trump (the Company) Asks Trump (the Administration) for Rent Relief," *New York Times*, April 21, 2020, accessed here: <https://www.nytimes.com/2020/04/21/business/trump-hotel-coronavirus.html>; Josh Partlow & Jonathan O'Connell, "Trump's company asks federal government to include it in any rent relief offered to tenants," *Washington Post*, April 21, 2020, accessed here: <https://www.washingtonpost.com/business/2020/04/21/trumps-company-asks-federal-government-include-it-any-rent-relief-offered-tenants/>.

² Rebecca Cooper, "Trump Hotel files layoff notices for D.C. property," *Washington Business Journal*, April 15, 2020, accessed here: <https://www.bizjournals.com/washington/news/2020/04/15/trump-hotel-files-layoff-notices-for-d-c-property.html>.

³ Josh Partlow, Jonathan O'Connell, & David A. Farenthold, "Trump Organization has laid off about 1,500 employees as pandemic hits business," *Washington Post*, April 3, 2020, accessed here: https://www.washingtonpost.com/politics/trump-organization-has-laid-off-about-1500-employees-as-pandemic-spreads/2020/04/03/c413e42e-75d6-11ea-ae50-7148009252e3_story.html.

In a call with Committee staff late last month, GSA acknowledged that they had not developed any blanket policies for addressing the economic hardships faced by GSA outlease tenants. GSA indicated at that time there were no closures of Federal buildings that had impacted outlease tenants. They also informed our staff that rent deferrals are governed by each lease; the Lease Contracting Officers are responsible for reviewing requests from tenants; outleases do not include penalties for non-payment; and GSA does not refer tenants to collectors until they have been in arrears for 120 days or more. Trump OPO is unlike any other GSA lease because the redevelopment of the OPO was directly and explicitly authorized by Congress through the Old Post Office Redevelopment Act of 2008.⁴ Under the terms of the Trump International Hotel lease, in particular, the parties can modify or amend the lease upon the written agreement of all parties.⁵ The lease also includes provisions that address the payments of rent and default on rental payments.⁶

The inquiries regarding the potential delays of future rent payments on the OPO lease that were reportedly made by the Trump International Hotel highlight the conflict of interest issues raised at our Committee's September 2019 and January 2020 hearings as well as numerous letters we have sent to you on the Trump International Hotel lease. This is a clear case of President Trump serving as both tenant and landlord. President Trump retains a majority beneficiary interest in the hotel through a revocable trust, and his children are the remaining beneficiaries with sons Donald Trump, Jr. and Eric Trump making day-to-day decisions on behalf of the Trump Organization. At the same time, in your role as GSA Administrator, you serve at the pleasure of the President. This is a clear indication of the conflict of interest issues at play here.

For example, the Trump International Hotel is ineligible for the \$500 billion in loans administered by the U.S. Department of Treasury under a conflict of interest provision in the CARES Act, which bars businesses directly or indirectly controlled by the President, Vice President, head of an Executive Department, Member of Congress and their spouse, child, son-in-law, or daughter-in-law from being eligible for Department of Treasury loans. Any companies applying for loans must certify that the entity is eligible.⁷ A "controlling interest" is defined as 20 percent equity interest and "equity" is defined as including "an interest in a limited liability company or of a limited partner in a limited partnership."⁸ President Trump currently holds an almost 80 percent ownership interest in the hotel.⁹ This too is a clear indication of the conflict of interest issues at issue here.

Within the private sector, landlords are asking businesses to demonstrate proof of hardship before providing financial relief due to the economic fallout of the coronavirus. Within government programs, we, as Members of Congress, have been urging the Federal government to prioritize assisting businesses that are seeking to retain their employees and have few, if any, other options for financial relief. As stated above, to date, the Trump International Hotel has laid off or furloughed

⁴ Old Post Office Redevelopment Act of 2008, P.L. 110-359 (2008).

⁵ Ground Lease by & between the U.S. (as "Landlord") & Trump Old Post Office LLC (as "Tenant"), Lease No.: GS-LS-11-1307 Sec. 37.5 (Aug. 5, 2013), accessed here: <https://www.gsa.gov/reference/freedom-of-information-act-foia/electronic-reading-room>.

⁶ Ground Lease by & between the U.S. (as "Landlord") & Trump Old Post Office LLC (as "Tenant"), Lease No.: GS-LS-11-1307 Art. V, Art. XXXVII (Aug. 5, 2013), accessed here: <https://www.gsa.gov/reference/freedom-of-information-act-foia/electronic-reading-room>.

⁷ Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136 Div. A §4019 (2020).

⁸ Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136 Div. A §4019 (2020).

⁹ See Contracting Officer Letter from GSA to the Trump Organization Exhibit 2, Mar. 23, 2017, accessed here: <https://www.gsa.gov/reference/freedom-of-information-act-foia/electronic-reading-room>.

over 230 employees, and the Trump Organization has not indicated that benefits from the rental abatement would be used to bring back employees.¹⁰

With all of this in mind, we request that you provide answers to the following questions and the documents requested below to the Committee by May 7, 2020:

1. Please provide any and all copies of correspondence between the Trump Organization, including but not limited to the Trump International Hotel Washington and Trump Old Post Office LLC, and GSA related to the reported request for rent deferrals, rent abatement, and any other temporary or permanent changes to the lease. This request may be limited to January 1, 2020, to present.
2. Private sector landlords are asking businesses to provide proof of financial hardship before granting them any financial relief due to the economic fallout of the coronavirus. Has the Trump Organization documented any financial hardship to GSA?
3. Please provide any and all copies of documents related to GSA's considerations of rent abatements for outleases where 20 percent or more of a Federal building is outleased. This request may be limited to January 1, 2020, to present.
4. It is our understanding that, at the outset of the lease of the Old Post Office building by the Trump Organization, the Trump Organization was required to place certain funds in escrow to demonstrate the financial viability of the agreement. Under the terms of the agreement between GSA and the Trump Organization, is the Trump Organization permitted to use those funds toward rent payments?

We understand that we are in unprecedented times, but it is critical that the Committee do this oversight given our role in overseeing GSA's Public Buildings Service.

Please deliver one set of these records electronically to the Majority and one set of records electronically to the Minority Staff. To make arrangements for electronic delivery of the records, or if you have any questions regarding this request, please have your staff contact Lauren Dudley, Investigations & Oversight Counsel with the Committee, at (202) 225-4472.

Sincerely,

PETER A. DeFAZIO
Chair

DINA TITUS
Chair
Subcommittee on Economic
Development, Public Buildings, and
Emergency Management

¹⁰ Rebecca Cooper, "Trump Hotel files layoff notices for D.C. property," *Washington Business Journal*, April 15, 2020, accessed here: <https://www.bizjournals.com/washington/news/2020/04/15/trump-hotel-files-layoff-notices-for-d-c-property.html>.

Administrator Emily Murphy

April 23, 2020

Page 4

cc: The Honorable Sam Graves, Ranking Member

The Honorable John Katko, Ranking Member, Subcommittee on Economic Development,
Public Buildings and Emergency Management

From: Ron White <ronald.white@gsa.gov >
To: "Erin Mewhirter (S)" <erin.mewhirter@gsa.gov >
CC: "LaVerne Jordan (S)" <laverne.jordan@gsa.gov >, "Brenda Short (S)" <brendaa.short@gsa.gov >, "Antoinette Reaves (S)" <toni.reaves@gsa.gov >, Kevin Ortiz - S <kevin.ortiz@gsa.gov >
Subject: Re: Approved Borden QFRs
Date: Fri, 30 Aug 2019 12:49:11 -0400
Message-ID: <CACVtgFNnscXrzx2eaXGfyGEiX5D6yP0zhJLKrSKR=FMoaEFHA@mail.gmail.com >
Attachments: CC041840_Enclosure_June 11 letter.pdf; CC041840_Enclosure_June 20 letter.pdf

Erin:

Here are the two enclosures referenced in the QFRs. Kevin (copied) provided them. They, too, are in CDT.

On Fri, Aug 30, 2019 at 12:45 PM Ron White <ronald.white@gsa.gov> wrote:

Good morning, Erin:

Here are the approved Borden QFRs. The document will also be available in [CDT](#).

--



U.S. General Services Administration

Ron White
Writer-Editor
Office of Executive Secretariat
and Audit Management
(202) 774-0177

--



U.S. General Services Administration

Ron White
Writer-Editor
Office of Executive Secretariat
and Audit Management
(202) 774-0177



June 11, 2019

Via Email

Trump Old Post Office, LLC
c/o The Trump Organization
725 Fifth Avenue, 25th Floor
New York, New York 10022
Attn: Donald J. Trump, Jr.

Re: Ground Lease, dated as of August 5, 2013, by and between the United States of America, acting by and through the Administrator of General Services, and Trump Old Post Office LLC (as amended, the "Lease")¹

Dear Mr. Trump,

The General Services Administration ("GSA") is in receipt of the attached letter dated April 12, 2019, from the Chairman of the Committee on Oversight and Reform of the United States House of Representatives ("Committee"). In particular, the April 12 letter requests unredacted documents provided by Tenant to Landlord, including "all" monthly reports submitted to GSA from November 2016 to the present by Trump Old Post Office LLC describing revenues and expenses. In addition, the April 12 letter requests (i) information submitted by Donald J. Trump or the Trump Organization in response to the Request for Proposals for the Redevelopment of the Old Post Office and (ii) documents relating to Mazars USA LLP or WeiserMazars LLP related to the Lease.

By letter dated April 17, 2019 from Stefan Passantino of Michael Best & Friedrich LLP to me, Tenant previously objected to the release of the same or similar information in response to a request from the House of Representatives Committee on Transportation and Infrastructure. In order to respond to the Committee's April 12 letter, please provide a written response to me by Friday, June 21, 2019, stating whether you consent or object to the release of the requested documents. In the latter case, please also provide your bases for objecting to the release.

Sincerely,
Kevin M. Terry

Kevin Terry
Contracting Officer

cc: Eric Trump
Alan Garten, Esq.
Raymond Flores

¹ Capitalized terms used but not defined herein shall have the meaning given to them in the Lease.

U.S. General Services Administration
301 North Street SW
Washington, DC 20548-0001
www.gsa.gov



Michael Best & Friedrich LLP
Attorneys at Law
Stefan Passantino
T 202.747.9582

E|_____

June 20, 2019

Via Email (kevin.terry@gsa.gov) and U.S. Mail

United States General Services Administration
301 7th Street, S.W.
Washington, D.C. 20407
Attention: Kevin Terry

Re: Ground Lease, dated as of August 5, 2013, by and between the United States of America, acting by and through the Administrator of General Services, and Trump Old Post Office LLC (as amended, the “Lease”)

Dear Mr. Terry,

We are counsel to Trump Old Post Office LLC (“Tenant”)¹. Reference is made to your June 11, 2019 letter to Tenant and to the letter dated April 12, 2019 from the Chairman (the “Chairman”) of the Committee on Oversight and Reform of the United States House of Representatives (the “Committee”) to the General Services Administration (“GSA”).

Tenant strongly objects to the GSA’s release to the Chairman, the Committee or otherwise of any Confidential Information under the Lease, or material that pre-dates the execution of the Lease but was marked “Confidential” by The Trump Organization when submitted to the GSA. As you are aware, the GSA is bound by certain duties of confidentiality. Moreover, the Chairman’s request for Confidential Information lacks any legitimate legislative purpose. The Constitution does not give Congress a blanket “oversight” power. Congress can seek information only as “an adjunct” to some other legislative power. *Watkins v. United States*, 354 U.S. 178, 187 (1957); *Kilbourn v. Thompson*, 103 U.S. 168, 190 (1880). The Constitution insists that the “ruthless exposure of private lives” that accompanies such a request be “justified by a specific legislative need.” *Watkins*, 354 U.S. at 205. Rather, the Chairman is using his position on the Committee to instigate yet another political attack on the President. But requests from Congress based on politics and partisanship are not valid, even if transmitted by subpoena.

Congressional inquiries, like all government conduct, must respect the “First Amendment freedoms” of “speech,” “political belief,” or “association.” *Watkins*, 354 U.S. at 188. Those freedoms prohibit Congress from harassing political opponents or retaliating against disfavored speech. *Rutan v. Republican Party of Ill.*, 497 U.S. 62, 75 (1990); *Lozman v. City of Riviera Beach*, 138 S.Ct. 1945, 1949 (2018). Illegal retaliation occurs whenever the target’s speech or politics motivated Congress’ actions “at least in part.” *Cruise-Gulyas v. Minard*, 918 F.3d 494, 497 (6th

¹ Capitalized terms used but not defined herein shall have the meaning given to them in the Lease.

April 17, 2019

Cir. 2019). There is no reason, legislative, contractual or otherwise, that the GSA should yield to the partisan pressure being applied by the Chairman.

Without limiting the foregoing, Tenant also objects to the GSA's release of any Confidential Information of a financial nature based on the immediate and irreparable injury that such release would cause Tenant. Certain Confidential Information requested by the Chairman, including without limitation, the monthly reports submitted by Tenant describing revenues and expenses, sets forth the proprietary business practices implemented by Tenant in its administration of the Hotel. Disclosure of this Confidential Information would cause Tenant to suffer a significant disadvantage in the market as competitors could use such information to undercut the pricing at the Hotel.

Once again without limiting the foregoing, Tenant further objects to the GSA's release of any documents requested in Items 13 and 14 of the April 12, 2019 letter from the Chairman. All financial information delivered to the GSA prior to the commencement of the Lease, such as that which would be included in any response to such requests, was marked "Confidential." If the GSA discloses this information, it will have a negative impact on the GSA's ability to attract qualified bidders to future projects and to perform financial due diligence, as those bidders will have reason to believe that the GSA will not keep their financial information confidential.

We respectfully request that the GSA respond to the Chairman declining to disclose any Confidential Information or other material identified as "Confidential" and that the GSA forward a copy of its response to Tenant.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP

A black rectangular redaction box covers the signature area. To the right of the box, there are faint, handwritten-style lines that appear to be part of the signature or a mark.

Stefan Passantino

SP:mkb

From: Les Painter - BA <les.painter@gsa.gov >
To: Molly Thomas - H1EA <mary.thomas@gsa.gov >
Erin Mewhirter - S <erin.mewhirter@gsa.gov >, Theresa Ottery - H1AA <theresa.ottery@gsa.gov >, Antoinette Reaves - S <toni.reaves@gsa.gov >, LaVerne Jordan - S <laverne.jordan@gsa.gov >, Wayne Williams - BA <wayne.williams@gsa.gov >, Matt Plaus - H1EA <matthew.plaus@gsa.gov >, Bobbi Conde - H1EA <roberta.conde@gsa.gov >, Jeff Post - S <jeffrey.post@gsa.gov >, Rebecca Pselos - S <rebecca.pselos@gsa.gov >, Kevin Ortiz - S <kevin.ortiz@gsa.gov >
CC:
Subject: Re: Heads up-- GSA SAR and OIG SAR due to the Hill today
Date: Mon, 30 Nov 2020 17:32:40 -0500
Message-ID: <CA+vaDteKanj3EHkoAOPp7hHOGmLCD=FKV+ VZGRc0Zk71Y8wbUA@mail.gmail.com >
Attachments: CC043993_OIGSemiannual Report_Nov2020-508.pdf

Good afternoon, again, Everyone:

In addition to the signed cover letters, attached in this message is the approved report to accompany the cover letters.

[REDACTED]

[REDACTED]

[REDACTED]

Kind regards,

Les Painter, (USN, Retired)
ICATS Administrator
Office of Audit Management and Accountability
Office of the Chief Financial Officer
U.S. General Services Administration

CONFIDENTIALITY NOTICE: This email message and any attachments to this email message contain confidential information belonging to the sender which is legally privileged. This data is intended only for the use of the addressed individual or entity. Please do not forward this message without permission. If you are not the intended recipient, employee, or agent responsible for delivering this message to the intended recipient, please understand that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return email and delete and destroy the original email message, attachments, and all copies.

"If you can't explain it simply, you don't understand it well enough." -Albert Einstein

On Mon, Nov 30, 2020 at 5:28 PM Molly Thomas - H1EA <mary.thomas@gsa.gov> wrote:
Documents attached for OIG SAR. I'll upload them to the control but attached here for convenience.

On Mon, Nov 30, 2020 at 5:02 PM Erin Mewhirter - S <erin.mewhirter@gsa.gov> wrote:
Thanks, Molly.

On Mon, Nov 30, 2020 at 5:00 PM Molly Thomas - H1EA <mary.thomas@gsa.gov> wrote:
The OIG SAR has been approved. I'm waiting on the docs. The GSA SAR has not been approved yet, but I do expect it.

On Mon, Nov 30, 2020 at 4:59 PM Erin Mewhirter - S <erin.mewhirter@gsa.gov> wrote:
Just checking in -- are we still expecting these to get signed today?

On Mon, Nov 30, 2020 at 8:31 AM Erin Mewhirter - S <erin.mewhirter@gsa.gov> wrote:
Thanks, Theresa. OCIA will be ready to transmit to the Hill once A-Suite clears. Erin

On Mon, Nov 30, 2020 at 8:24 AM Theresa Ottery - H1AA <theresa.ottery@gsa.gov> wrote:
Good morning!

Hope everyone had a great Thanksgiving and weekend.

Touching base as the GSA SAR ([CC043947](#)) and OIG SAR ([CC043993](#)) are due to the Hill today. Both are currently in CI for review. Following approval and signature, these will come to OCIA for transmittal.

- The GSA SAR has had minimal changes since OCIA approved.
- The OIG SAR is unchanged, but the transmittal letters were revised. Jeff approved the revisions.

Greatly appreciate your help with these transmittals. Please let us know if you have any questions.

Theresa Ottery

Office of Audit Management and Accountability

Office of the Chief Financial Officer

U.S. General Services Administration

Washington, DC 20405

443-280-0861

theresa.ottery@gsa.gov

--

Erin Mewhirter

Director of Operations

Office of Congressional and Intergovernmental Affairs

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U.S. General Services Administration

Molly Thomas

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[CDT Tip Sheets](#)

--
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SEMIANNUAL REPORT TO THE CONGRESS



OFFICE OF INSPECTOR GENERAL

U.S. GENERAL SERVICES ADMINISTRATION

April 1, 2020 – September 30, 2020

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MESSAGE FROM THE IG



I am pleased to submit to Congress our Semiannual Report for the period of April 1, 2020 through September 30, 2020.

This report closes out another year in which, despite the challenges posed by the Covid-19 pandemic, our office successfully executed its oversight mission and continued to provide a high return on the taxpayer's investment in us. During Fiscal Year 2020, our audit and investigative work identified more than \$134 million in potential cost savings and recovered more than \$108 million for the federal government.

A team of our auditors is monitoring GSA's response to the COVID-19 pandemic. Their work recently resulted in the issuance of an Alert Memorandum informing GSA leadership of risks regarding PBS's communication and cleaning procedures for COVID-19 exposures. The team's quick and thorough work enables GSA to address lapses in its communication regarding instances of COVID-19 infections, and deficiencies in its oversight of cleaning procedures for affected areas, to help ensure a safe environment for employees returning to GSA facilities. Our audit work on this topic is ongoing.

Highlights of our work during this reporting period also include a report from our Office of Inspections that will improve GSA's ability to respond to catastrophic public safety emergencies. The report found numerous deficiencies in how GSA planned for and executed the Federal Emergency Management Agency's (FEMA) 2018 Eagle Horizon exercise, which was designed to test the agency's readiness to maintain operations and support the reconstitution of the federal executive branch in the event of a major catastrophe. This relevant and timely work will enable the agency to draw meaningful lessons from the FEMA exercise.

Additionally, a team of our GSA OIG agents, analysts, IT specialists, and lawyers expertly addressed criminal and civil allegations against QuantaDyn Corporation, a software engineering firm that specializes in developing training simulation systems for DoD agencies. The team's work resulted in a plea agreement and related civil settlement arising from allegations that the company engaged in a bribery scheme to influence the award of government contracts to the firm. As a result of the combined actions, QuantaDyn will pay over \$73 million to the federal government in restitution, forfeitures, and criminal penalties.

Our ability to pursue our mission undeterred by the challenges of the pandemic is due to the resilience and dedication of the OIG staff. We appreciate their service, and the strong support of GSA and Congress for our work.

Carol F. Ochoa
Inspector General
September 30, 2020



Photo: The Internal Revenue Service Building, located in Washington, D.C.

OIG PROFILE

OIG PROFILE

ORGANIZATION

The General Services Administration (GSA) Office of Inspector General (OIG) was established on October 1, 1978, as one of the original 12 OIGs created by the Inspector General Act of 1978. The OIG's five components work together to perform the mission mandated by Congress.

The OIG provides nationwide coverage of GSA programs and activities. Our components include:

- **THE OFFICE OF AUDITS**, an evaluative organization staffed with auditors and analysts that provides comprehensive coverage of GSA operations through program, financial, regulatory, and system audits and assessments of internal controls. The office conducts attestation engagements to assist GSA contracting officials in obtaining the best value for federal customers and American taxpayers. The office also provides other services to assist management in evaluating and improving its programs.
- **THE OFFICE OF ADMINISTRATION**, a professional support staff that provides budget and financial management, contracting, facilities and support services, human resources, and Information Technology (IT) services, and administers the OIG's records management program.
- **THE OFFICE OF COUNSEL**, an in-house legal staff that provides legal advice and assistance to all OIG components, represents the OIG in litigation arising out of or affecting OIG operations, and manages the OIG legislative and regulatory review.
- **THE OFFICE OF INSPECTIONS**, a multi-disciplinary organization that analyzes and evaluates GSA's programs and operations through management and programmatic inspections and evaluations that are intended to provide insight into issues of concern to GSA, Congress, and the American public. The office also coordinates quality assurance for the OIG, and analyzes potentially fraudulent or otherwise criminal activities in coordination with other OIG components.
- **THE OFFICE OF INVESTIGATIONS**, a statutory federal law enforcement organization that conducts nationwide criminal, civil, and administrative investigations of illegal or improper activities involving GSA programs, operations, and personnel.

OFFICE LOCATIONS

Headquarters:

Washington, D.C.

Field and Regional Offices:

Atlanta, Georgia; Auburn, Washington; Boston, Massachusetts; Chicago, Illinois; Denver, Colorado; Fort Lauderdale, Florida; Fort Worth, Texas; Kansas City, Missouri; Laguna Niguel, California; New York, New York; Philadelphia, Pennsylvania; Sacramento, California; and San Francisco, California.

STAFFING AND BUDGET

As of September 30, 2020, our on-board staffing level was 298 employees. The OIG's Fiscal Year 2020 budget is \$67 million in annual appropriated funds plus \$600 thousand in reimbursable authority.

As of September 30, 2020

OIG ORGANIZATION CHART

